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**Sent:** Thur 9/24/2015 12:05:03 AM  
**Subject:** FW: From Inside EPA

# Deliberative Process/Ex. 5

**From:** Lyons, John  
**Sent:** Wednesday, September 23, 2015 3:57 PM  
**To:** Manzanilla, Enrique; Lindsay, Nancy  
**Cc:** Tenley, Clancy; Herrera, Angeles  
**Subject:** From Inside EPA

## News Briefs

### Democrats Seek To Force EPA Abandoned Mines Inventory

Posted: September 23, 2015

Democratic lawmakers whose states were affected by EPA's accidental spill of wastewater from an abandoned mine in Colorado are pushing legislation that would amend the Superfund law and mandate agencies to identify the most dangerous known abandoned mines and create a priority plan for their cleanup.

The legislation, S. 2063 introduced Sept. 22 as well as a companion House measure, would also require agencies to undertake certain preparedness actions before any mine remediation takes place.

The bills are one of several congressional responses to EPA's Aug. 5 accidental spill of 3 million gallons of wastewater containing heavy metals from the abandoned Gold King Mine into the Animas River, CO. The wastewater then traveled into waterways in New Mexico and the Navajo Nation.

“[W]ith a number of other mines in the region that pose an environmental risk, this bill calls for a much-needed review of abandoned mines, along with a plan for cleanup that includes steps to prevent similar disasters from happening in the future,” Rep. Ben Ray Lujan (D-NM) said in a joint Sept. 22 press release from Senate and House lawmakers. Lujan is sponsoring the same legislation in the House, while Sens. Tom Udall (D-NM), Martin Heinrich (D-NM) and Michael Bennet (D-CO) are sponsors of the legislation in the Senate.

The bill would also set up an office within EPA to expeditiously process claims from those living in Colorado, New Mexico and the Navajo Nation who were impacted by the Aug. 5 spill, would outline allowable damages for settlements made under the Federal Tort Claims Act, and would require EPA to work with states and tribes to enable the long-term monitoring of rivers impacted by the spill to ensure environmental standards are met, according to a bill summary.

Heinrich says the contaminated wastewater hit farmers, ranchers and livestock owners hard. “This bill will ensure the claims and compensation process is done expeditiously, and will help give those who were affected the certainty they need to recover and protect their livelihoods,” he said in the press release.

The legislation would amend the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), also known as Superfund law, to require EPA and the Interior and Agriculture departments “to work with Governors and research universities to identify the most dangerous known abandoned and inactive mines and establish a priority plan for clean-up that shall be updated as new information becomes available,” according to the bill summary. This work would have to be done within 180 days of the bill's passage, S. 2063 says.

In addition, the bill would amend CERCLA to require that federal agencies perform certain activities prior to mine remediation, such as alerting nearby communities and developing a contingency plan in case of a mine blowout, according to the summary and press release.

At Gold King, the spill occurred while EPA was conducting preliminary cleanup work, investigating mine conditions and assessing ongoing water discharges and the feasibility of conducting further mine remediation, according to EPA.

The bill also includes a non-binding “sense of the Congress” measure calling on EPA to consult with all local communities along the affected rivers to decide whether to list the Upper Animas River watershed on Superfund’s National Priorities List.

Udall and Heinrich also plan to offer a second bill in response to the spill that would revise the 1872 mining law, according to the press release. They say the law needs to be reformed to require mining companies to pay a royalty for the minerals they remove from public lands, with the money going toward abandoned mine cleanups.

A similar bill was introduced earlier this year by House Democrats. Past efforts to reform the law and require a royalty fee on hardrock mining have failed.

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